

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MILGARD MANUFACTURING, INC., a
Washington corporation,

Plaintiff,

V.

LIBERTY MUTUAL INSURANCE
COMPANY, a Massachusetts mutual
insurance company,

Defendant.

CASE NO. C13-6024 BHS

ORDER DENYING
DEFENDANT'S MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendant Liberty Mutual Insurance Company’s (“Liberty”) motion for reconsideration (Dkt. 300).

Nothing in Liberty's motion shows that an error must be corrected through an order on reconsideration. In fact, the Court has set a deadline for Liberty to file another dispositive motion and Liberty may add the estoppel issue to that motion. Any other issues added, without leave of Court, will be stricken.

1 With regard to the allegation that Plaintiff Milgard Manufacturing, Inc.
2 (“Milgard”) filed an unrequested reply, Liberty is in error. Dkt. 269 at 3 (“Milgard may
3 file a reply by July 3, 2015, in a brief not to exceed ten pages.”).

4 With regard to the allegation that the Court “improperly and erroneously
5 considered new evidence” submitted with Milgard’s reply, Liberty is correct that
6 admitting such evidence may result in denial of a party’s due process rights because
7 Liberty did not have an opportunity to respond. Any error, however, is remedied with an
8 additional round of briefing on this issue. Therefore, any violation of Liberty’s right is
9 harmless in this situation and the Court **DENIES** Liberty’s motion for reconsideration.

10 **IT IS SO ORDERED.**

11 Dated this 1st day of September, 2015.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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